

### **Remarks**

Prosecution of the instant application has been assumed by the firm of Foley & Lardner LLP. Please note the change in customer number and attorney docket number.

Claims 9, 11-24, 27-31, 35-36 are hereby cancelled. Applicant preserves the right to prosecute the cancelled claims, and those of equivalent or even greater scope in related applications. New claims 37-54 are presented. No new matter is introduced by this amendment. Support for new claims 37-54 is provided by the claims as originally filed and as previously amended, and throughout the specification.

### **Rejections Under 35 USC §112, Second Paragraph**

Prior claims 9, 11-24, 27-31, 35 and 36 stood rejected under 35 USC §112, Second Paragraph as being indefinite.

New independent claims 37 and 52, and the claims dependant therefrom, address the issues of maintaining sterility in the system. Furthermore, the claims now recite that the control module is adapted to the various sensors and valves in the system.

Applicant believes that these amendments address the prior rejection under 35 USC §112, Second Paragraph, and as such respectfully request this rejection be withdrawn.

### **Prior Art Rejections**

The previous claims stood rejected under a variety of prior art rejections. Applicant believes the present amendment renders these rejections moot.

Chupp et al. describes a flow cytometer. As correctly pointed out by the Examiner, Chupp et al. does not teach maintaining sterility, or the process of weighing cell samples. In the instant invention, maintenance of sterility is essential, as the processed cells will be transfused back into humans. Likewise, critical measurement of the cells is essential, as the cells are subjected to enzymatic processing, and the precise concentrations of buffers and enzymes depends on the quantity of the substrate cells.

Samuel et al. describes an apparatus for sterilizing medical equipment. The disclosure of Samuel et al. teaches applying sterilant gasses and radiation to a substrate. These techniques would destroy any cells, and would be wholly unsuited for the enzymatic manipulation of

erythrocytes for transfusion purposes as taught in the instant application.

Yoshida describes a medical bag for blood collection. Nothing in Yoshida discusses processing of blood cells.

Inoue et al. discloses an apparatus for collecting blood cells. The apparatus oscillates to prevent clotting of the blood during collection. The weight of the collected blood is determined to assess the termination stage. Inoue et al. does not disclose processing of blood cells following collection.


Inaba et al. discloses a blood collection apparatus. The apparatus does not teach the processing of blood cells following collection.

None of the above references, either alone or in combination, teach the invention claimed in the instant application. Accordingly, Applicant believes the claims as amended are free of the above cited art, and respectfully requests the various rejections under 35 USC §102(b), 102(e) and 103(a) be withdrawn.

Applicant submits that the present application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number 617-342-4000. The Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-3431 (Reference No. ZQI-102CON1).

Respectfully submitted,

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